

---

## OLR Bill Analysis

### sSB 1181

#### ***AN ACT CONCERNING CHILD SUPPORT ENFORCEMENT AND EXPEDITED ESTABLISHMENT OF PATERNITY AND SUPPORT IN TITLE IV-D CASES.***

#### **SUMMARY:**

This bill makes numerous changes to statutes governing the Department of Social Services (DSS) and the Support Enforcement Services Division (SES) of the Judicial Branch. Most are related to child support and support enforcement. It:

1. requires the DSS commissioner to investigate the financial circumstances of parents applying for or receiving Medicaid on behalf of their children, rather than only Temporary Family Assistance (cash welfare) and foster care applicants and recipients;
2. limits DSS' duty to investigate the finances of parents of children in foster care to those for whom a request was made;
3. eliminates the DSS' commissioner's duty to investigate the financial arrangements of those seeking or receiving emergency housing assistance;
4. requires the state to notify obligors (those owing child support) and obligees (those to whom child support is owed) when it redirects child support payments;
5. allows DSS to share information with other state agencies for specific purposes;
6. permits income withholding orders to be served on employers electronically if they agree to accept that form of service;
7. modifies the process for obligors to challenge wage withholding

orders and eliminates a requirement that they give their employers a copy of the claim form they file to initiate the challenge;

8. eliminates a requirement that court clerks follow in-state procedures for scheduling hearings for out-of-state wage withholding challenges;
9. substitutes references to SES for current references to the Bureau of Child Support Enforcement (BCSE) in the context of wage withholding challenges;
10. adds a definition of “issue” for purposes of some wage withholding statutes;
11. modifies Family Support Magistrate (FSM) powers;
12. gives judicial marshals limited authority to serve a *capias mittimus* (an order to arrest and bring a person before the court) on certain child support obligors and witnesses in child support cases;
13. allows SES officers to take acknowledgments of parties’ agreements incident to child support obligations;
14. fixes unwed mothers’ obligations to pay past due child support at three years before the support petition or agreement was filed, the same rate applicable to unwed fathers; and
15. eliminates a \$50 fee for an amended birth certificate when paternity is established by court order or paternity acknowledgment.

It also makes minor, conforming, and technical changes.

EFFECTIVE DATE: October 1, 2011

## **§ 1 — SUPPORT PAYMENT REDIRECTION**

Currently, BCSE can redirect child support payments after notifying

the obligor and obligee of its intent to do so and giving them the opportunity to object. (This circumstance usually arises when the child is not living with the obligee.)

Under the bill, when the money is to be redirected to the state (for example, when the family is receiving cash assistance), BCSE need not give advance notice. Instead the bureau can notify the obligee and obligor after the fact and give them the opportunity to object. If the objection is successful, the bureau must give the obligee a refund.

## **§§ 11, 4, &17 — INFORMATION SHARING**

### ***Department of Correction and Judicial Branch***

The bill permits DSS to disclose to authorized representatives of the Department of Correction and the Judicial Branch information regarding incarcerated parents or those on probation or parole who are child support obligors. Its purpose is to identify those who may benefit from (1) educational training, (2) skill building, (3) work, or (4) rehabilitation programming that will significantly increase their ability to fulfill their support obligations

It specifies, as other reasons for sharing information with the Judicial Branch, to assist (a) in child support enforcement and (b) the identification of family violence cases.

### ***Paternity Registry Information***

With limited exceptions, including BCSE, the Department of Public Health maintains a confidential paternity registry containing acknowledgments and rescissions. The bill allows the bureau to disclose registry information for child support purposes to an agency with whom it has a cooperative agreement (the Judicial Branch and state and local law enforcement agencies).

### ***Releasing Information About Obligor Behind On Their Child Support Payments***

The bill permits DSS to release information to the state treasurer about child support enforcement program obligors who owe overdue child support. The information must be necessary to allow the

treasurer to intercept the amount owed from the amount she would otherwise pay out on an abandoned property claim.

By law, when an obligor is more than \$500 behind, BCSE or SES may notify various entities likely to have occasion to distribute money to the obligor. Under the bill, those who may receive notice include state or local agency officials authorized to hold the obligor's assets or property, including funds or property that is unclaimed or presumed to be abandoned.

## **§§ 9&13 — WAGE WITHHOLDING**

### ***Defining "Issue"***

The bill adds a definition of "issue" that applies to income withholding orders to support children, spouses, and former spouses. It defines the term as (1) completing an income withholding order form and serving it on the employer or other payor or (2) in the case of an income withholding order served electronically, transmitting electronic data sufficient to implement its withholding to an employer that agreed to receive electronic transmittal of such documents.

The bill substitutes "enter" for "issue" in some provisions where the use of the latter term is inconsistent with the bill's definition.

### ***Distribution Of Wage Withholding Claim Forms***

The bill allows DSS to make wage withholding claim forms available to all employers. Currently, DSS must distribute them. Employers give the forms to employees on whose behalf they have been served wage withholding orders. The form gives the employee information about how (1) the procedures work and (2) to contest the withholding.

Under the bill, the form must include (1) BCSE's address (for requesting BCSE resources to reduce the amount of support the obligor must pay) and SES' address (to challenge the wage withholding itself). Currently, only the BCSE address must be given.

### ***Challenges By Out-Of-State Obligors***

Currently, when BCSE receives claim forms challenging the validity of a wage withholding order issued at the request of another state, it must notify the interested parties in this state within seven days of receipt and immediately file the income withholding order and claim form. Under the bill, it need not file the order but must notify the entity that sent the withholding order to file, at least 10 days before the scheduled hearing:

1. two copies of the underlying support order (one of which must be certified) along with any modification, and
2. (a) a sworn statement showing the amount of any arrearage owed, (b) the last court determination of an arrearage, and (c) an accounting of the arrearage since the last court determination.

## **§§ 7, 8, & 13 — FAMILY SUPPORT MAGISTRATES**

### ***Support Agreements***

The bill eliminates a FSM's authority to modify support agreements. If he or she does not approve them, under the bill the sole option is to disapprove.

The bill also requires the FSM to indicate on the record the reasons for disapproving a proposed agreement. The court clerk must then (1) schedule a hearing to determine appropriate support amounts and (2) notify all appearing parties of the hearing date.

### ***FSM Hearings Involving an Out-of-State Party***

By law, FSMs must hear and decide cases involving challenges to wage withholding orders directed at Connecticut employers but involving an out-of-state obligee. The bill directs the FSM to use existing special rules of evidence and procedure in these cases that take into account the fact that the obligee and some witnesses will not be physically present. The FSM may also speak to counterparts in the originating state to obtain information about their state laws and the legal effect of its court orders.

Under the bill, if the out-of-state child support enforcement agency, court, or other entity fails to supply required documentation or to

respond to reasonable requests for documents, the FSM may:

1. extend the hearing for 45 days,
2. order a temporary or partial stay of income withholding for the same period, or
3. sustain the obligor's objection and enjoin the employer from complying with the wage withholding order.

### **§§ 12, 14, 15, & 18 — JUDICIAL MARSHALS**

The bill gives a judicial marshal limited authority to serve a capias mittimus on any person already in his or her custody or physically present in the courthouse where the marshal provides security. This authority is restricted to FSM orders to serve a capias naming a child support obligor who has been found to be in contempt of court or an obligor or witness who failed to appear at a court hearing of which he or she had notice.

### **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute

Yea 41 Nay 0 (04/06/2011)